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Measures to eliminate international terrorism

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Letter dated 22 September 2004 from the Minister for Foreign Affairs and Worship of Costa Rica addressed to the Secretary-General

During his address to the General Assembly on 21 September 2004, the President of Costa Rica, Dr. Abel Pacheco de la Espriella, proposed the establishment of a post of United Nations High Commissioner on Terrorism. The office of the High Commissioner would be an independent, professional and permanent body located at the centre of the Organization and would be a coordination centre for the counter-terrorism activities of the international community.

You will find attached a memorandum explaining why the Government of Costa Rica feels that such a new body must be set up and describing its possible mandate and resources and procedures for its establishment (see annex).

I should be grateful if you could arrange for the present letter and its annex to be circulated as a document of the General Assembly, under the agenda items on "Crime prevention and criminal justice" and "Measures to eliminate international terrorism", and as a document of the Security Council.

(*Signed*) Roberto **Tovar Faja**
Minister for Foreign Affairs and Worship of Costa Rica

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Annex to the letter dated 22 September 2004 from the Minister for Foreign Affairs and Worship of Costa Rica addressed to the Secretary-General

Proposed establishment of a post of United Nations High Commissioner on Terrorism

Terrorism is the most serious challenge currently facing the international community. The despicable terrorist attacks of the last few years in New York, Madrid and Beslan demonstrate the gravity of the terrorist threat.

The Government of Costa Rica believes that the United Nations should lead the international counter-terrorism effort. It can and must make an effective contribution to combating terrorism by facilitating multilateral, coherent and multifaceted action against that crime.

Since September 2001, various United Nations bodies have made a tremendous contribution to countering international terrorism. They include the Committee established pursuant to Security Council resolution 1373 (2001), the Ad Hoc Committee established pursuant to General Assembly resolution 51/210, the United Nations Commission on Crime Prevention and Criminal Justice and the Office of the United Nations High Commissioner for Human Rights.

However, as the Policy Working Group on the United Nations and Terrorism, which advises the Secretary-General, acknowledged, the contribution of the United Nations has suffered from overlap and duplication of mandates and programmes and gaps in the overall range of responses, in individual organizations' mandates and in the resources available.[1] Each of the United Nations bodies and departments has tried individually to respond to the challenge posed by international terrorism, re-interpreting existing mandates, stretching out resources, improvising a great deal and adopting temporary measures. In short, there has been no overall vision.

This is not a sustainable situation. The Security Council Counter-Terrorism Committee (CTC) cannot genuinely help the Member States while its Executive Directorate remains separate from the United Nations Office on Drugs and Crime Terrorism Prevention Branch. The exceptional provisions of Security Council resolution 1373 (2001), which were justifiable in an emergency, must be made permanent and institutional. The work of the Office of the United Nations High Commissioner for Human Rights must be effectively incorporated into and supported by the work of the CTC and the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban. All Member States must be involved in establishing the Organization's counter-terrorism policies, so that the initiative can revert to the General Assembly. In effect, counter-terrorism must become a permanent and routine activity of the United Nations.

For this reason, the Government of Costa Rica is suggesting that the General Assembly should begin an in-depth review of the various United Nations mandates and bodies dealing with terrorism, with the aim of eliminating duplication, unifying

[1] Report of the Policy Working Group on the United Nations and Terrorism (A/57/273-S/2002/875, para. 49).

resources and centralizing decision-making in the hands of a professional, permanent and impartial body located at the centre of the Organization. Costa Rica is accordingly proposing the establishment of a post of **United Nations High Commissioner on Terrorism**.

Ideally, the Office of the High Commissioner should absorb the counter-terrorism mandates and human and financial resources currently dispersed among various United Nations bodies. It should take the place of the United Nations Office on Drugs and Crime Terrorism Prevention Branch and the Counter-Terrorism Committee Executive Directorate and Assessment and Technical Assistance Office. It should also absorb the terrorism-related mandates and resources currently allocated to the United Nations Office of Legal Affairs and the Department of Public Information, and to the Office of the United Nations High Commissioner for Human Rights.

As a result, the new body should:

1. Prepare a coherent strategy to combat and prevent international terrorism and present periodic plans of action to implement that strategy;

2. Provide Member States with technical assistance to combat terrorism;

3. Supply technical information and carry out the terrorism-related mandates of the Security Council, the Counter-Terrorism Committee, the Security Council Committee concerning Al-Qaida and the Taliban, the General Assembly and the Economic and Social Council;

4. Serve as the secretariat for the Counter-Terrorism Committee and the Security Council Committee concerning Al-Qaida and the Taliban;

5. Facilitate coordination and cooperation among Member States;

6. Analyse the various periodic reports on terrorism which States submit to the General Assembly and the Security Council;

7. Follow up the implementation of treaties and General Assembly and Security Council resolutions on international terrorism;

8. Prepare the various United Nations reports and publications on the subject of terrorism;

9. Promote adherence to human rights in counter-terrorism efforts;

10. Provide public information on the counter-terrorism rules and regulations in force and on United Nations action to combat that scourge.

The establishment of an Office of the United Nations High Commissioner on Terrorism will result in a rationalization of mandates and use of resources, generate real savings, prevent waste and make the international community's action more effective.

However, establishing such a body will require a combined and concerted effort on the part of the General Assembly and the Security Council. This year, the General Assembly should request the Secretary-General to present to it at its sixtieth session a report on the possible methods, mandate and structure of the Office of the High Commissioner on Terrorism. Next year, the General Assembly should establish an open-ended working group to determine the mandate and structure of that new

institution. The Security Council should approve the decisions made. Ideally, the Office of the High Commissioner should begin operation by 31 December 2007, when the mandate of the Counter-Terrorism Committee Executive Directorate expires.[2]

The Government of Costa Rica trusts that all States which have a genuine commitment to combating international terrorism will be able to support this initiative, which seeks to improve the ability of the international community to confront and prevent that scourge.

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[2] Security Council resolution 1535 (2004), para. 2.